

Appln. No. 10712,184

Attorney Docket No. 10541-1740

II. Remarks

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

Allowable Subject Matter

The undersigned acknowledges the Examiner's indication of the allowability of claims 5, 10, 12, 23, and 29 if rewritten in independent form.

Claim Objections

Claims 8, 11, 12, 15, 17, 20 and 23 have been amended to correct the informalities objected to by the Examiner. Accordingly, Applicant respectfully requests withdrawal of the objection to claims 8, 11, 12, 15, 17, 20 and 23.

Claim Rejections - 35 U.S.C. §102(b)

Claims 1-3, 20-21, and 33 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,041,883 to Yokota et al. (Yokota).

Allowable claim 5 has been rewritten in independent form and claims 2 and 3 now depend from claim 5. Therefore, claims 2 and 3 are patentable for at least the reasons given in support of claim 5.

Claim 29 has been rewritten and includes the limitations of claim 20 and was previously noted by the Examiner as including allowable subject matter.



BRINKS HOFER GILSON & LIONE
PO Box 10395
Chicago, IL 60611-5599

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Claims 21 and 33 now depend from claim 29 and are therefore patentable for at least the reasons given in support of claim 29.

Claim Rejections - 35 U.S.C. §103(a)

Claims 4, 6-9, 11, 13-15, 19, 22, 24-28, 31-32, and 34 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,041,883 to Yokota et al. (Yokota).

Claims 17-18, and 35-36 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,041,883 to Yokota et al. (Yokota) in view of U.S. Patent No. 5,276,620 to Bottesch (Bottesch).

Current claims 4, 6-9, 11, 13-15, 17-18, 19, 22, 24-28, 31-32, and 34-36 depend from either claim 5 or 29 which were indicated as being allowable, and are likewise allowable.

New claims 39, 40, and 41 correspond to previously rejected claims 6, 14, and 16. Applicant suggests that a *prima facie* case for obviousness has not been established by the Examiner. "The Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness." MPEP §2142. The Examiner has not provided factual support that the subject matter of claims 39, 40, and 41 would have been obvious at the time of the invention to a person of ordinary skill in the art. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed

BRINKS
HOFER
GILSON
& LIONE

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invention to have been obvious in light of the teachings of the references." Ex parte, Clapp, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. & Inter. 1985).

Applicants respectfully submit that calculating a desired steering assist for the electronic flow control device by interpolating values from a two-dimensional lookup table (claim 39), controlling the electronic flow control device using information about a lock stop position of the vehicle steering system (claim 40), and controlling the electronic flow device to compensate for hysteresis in the electronic flow control device (claim 41), are not taught or suggested in any of the references provided by the Examiner. Neither does the Examiner provide a line of reasoning, supported by facts, that shows the limitations discussed above would have been obvious to one of ordinary skill in the art at the time of the invention. Accordingly, Applicants respectfully submit that claims 39, 40, and 41 are patentable over the cited art for at least the reasons provided above.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of

BRINKS
HOFER
GILSON
& LIONE

BRINKS HOFER GILSON & LIONE
PO Box 10395
Chicago, IL 60611-5599

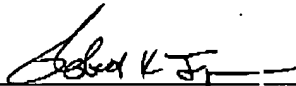
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record and that this application is now in condition for allowance. Such action is respectfully requested.

Respectfully submitted by,

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Robert K. Fergan
Reg. No.: 51,674
Attorney for Applicant(s)

BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, IL 60610
(734) 302-6000

BRINKS
HOFER
GILSON
& LIONE

BRINKS HOFER GILSON & LIONE
PO Box 10395
Chicago, IL 60611-5599